

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 03-CR-52

EKABAL "PAUL" BUSARA,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATIONS  
AND OVERRULING OBJECTIONS**

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On March 10, 2005, Magistrate Judge Aaron Goodstein filed his order on defendant's pretrial motions and recommendation on outstanding motions in the above matter. Objections to the magistrate judge's recommendations were filed by defendant Busara on March 24, 2005. For the reasons articulated in his original pretrial motions and post-hearing briefs, Busara objects to Magistrate Judge Goodstein's denial of his motions for a *Santiago* proffer, a motion for early release of Jencks material and a motion for *Brady/Giglio* material and other discovery. He also objects to Magistrate Judge Goodstein's recommendation that his motions to suppress the photo identification, statements and physical evidence, and his motion to dismiss counts 1 and 3 of the indictment be denied.

I have reviewed Magistrate Judge Goodstein's thorough decision and recommendation. I have also reviewed the written submissions by the defendant. I agree with Judge Goodstein's recommendations for the reasons set forth in his decision and adopt his recommendations as my

own. With respect to the orders denying pretrial discovery, I note that, although Judge Goodstein denied the request as moot, he directed the Government to disclose *Brady/Giglio* material, Jencks Act Material and any other pretrial discovery matters at least 30 days before trial. I conclude this is sufficient. The government has followed an open file policy in this case and, thus, Busara has most if not all of the required disclosures. Disclosure of further information required should be made no later than 30 days before the trial.

Accordingly, Magistrate Judge Goodstein's recommendations and order are hereby adopted by the court.

**SO ORDERED.**

Dated this 10th day of June, 2005.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge